

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY RAY THOMPSON,

Plaintiff,

14cv00122

ELECTRONICALLY FILED

v.

UNITED STATES OF AMERICA, ET AL.,

Defendants.

Order Adopting Report and Recommendation

Before the Court is the Report and Recommendation of the Magistrate Judge (doc. no. 3) recommending that the Complaint be dismissed *sua sponte* (doc. no. 2), without leave to amend, and granting the motion for leave to proceed in forma pauperis (doc. no. 1). Objections to the Report and Recommendation were due by June 30, 2014. On June 23, 2014, objections were filed by Plaintiff (doc. no. 4). The case was reassigned to the undersigned after Judge Gibson filed an order of recusal on June 27, 2014. The matter is ripe for disposition.

The district court must make a *de novo* determination of those portions of the report to which objections are made. 28 U.S.C. § 636(b)(1)(C); *see also Henderson v. Carlson*, 812 F.2d 874, 877 (3d Cir. 1987). This Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The district court judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

The basis of this lawsuit appears to be an action brought pursuant to “42 U.S.C. § 1983/85” against numerous judges of this Court and of the United States Court of Appeals for the Third Circuit, seeking a total of \$500 million from the United States and the judges of this Court and the

Court of Appeals who were responsible for ruling against him on his petition for writ of habeas corpus relief. In Plaintiff's objections to the report and recommendations, he argues that the Defendants are not immune from suit, based upon their alleged improper decisions, and that the Court's (Judge Gibson's) decision not to recuse himself was "bias[ed] and prejudic[ial] to Plaintiff's XIVth Amendment Rights" Doc. No. 4. As set forth in the Report and Recommendation of the Magistrate Judge, this lawsuit is precluded by defendants' absolute judicial immunity. Furthermore, as for Plaintiff's second argument, Judge Gibson indeed recused himself on June 27, 2014, and therefore, Plaintiff's second argument is now moot. To the extent that Plaintiff now seeks an injunction, rather than as originally styled a civil complaint under 42 U.S.C. § 1983/85, said request for injunction is DENIED.

AND NOW, this 7th day of July 2014, upon a *de novo* review of the Report and Recommendation, it is hereby **ORDERED, ADJUDGED AND DECREED** as follows:

IT IS ORDERED that the Objections of the Plaintiff (doc. no. 4) are **OVERRULED**, that the Report and Recommendation (doc. no. 3) is **ADOPTED** as the Opinion of the Court, and the Complaint is hereby **DISMISSED** with prejudice. **IT IS FURTHER ORDERED** that Plaintiff's motion to proceed IFP (doc. no. 1) is **GRANTED**.

SO ORDERED this 7th day of July, 2014.

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties

Anthony Ray Thompson GQ-6082
S.C.I. Forest
P.O. Box 945
Marienville, PA 16239